

**MINUTES**  
*Arizona Supreme Court*  
**Wednesday, May 28, 2014**

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No. 4240

**CR-13-0407-PR**

(1)

**STATE OF ARIZONA v GEORGE BENJAMIN LARIN**

*Court of Appeals, Division Two*

*2 CA-CR 12-0156*

ORDERED: Petition for Review Arizona Supreme Court = DENIED.

**CR-13-0417-PR**

(2)

**STATE OF ARIZONA v TERRY LYN McCUTCHEON**

*Court of Appeals, Division Two*

*2 CA-CR 13-0230*

ORDERED: Petition for Review = DENIED.

**CR-13-0427-PR**

(3)

**STATE OF ARIZONA v AARON BRICE ARNOLDI**

*Court of Appeals, Division Two*

*2 CA-CR 13-0012*

***Consolidated with:***

CR-14-0025-PR

STATE OF ARIZONA v AARON BRICE ARNOLDI

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

**CR-13-0435-PR**

(4)

**STATE OF ARIZONA v GUILLERMO E COONEY**

*Court of Appeals, Division Two*

*2 CA-CR 12-0061*

ORDERED: Petition for Review = DENIED.

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**CR-13-0450-PR**  
(5)

**STATE OF ARIZONA v VERNON MICHAEL LANGLOSS**  
*Court of Appeals, Division Two*                      2 CA-CR 12-0352

ORDERED: Petition for Review = DENIED.

**CR-13-0458-PR**  
(6)

**STATE OF ARIZONA v DWIGHT JENKINS**  
*Court of Appeals, Division Two*                      2 CA-CR 13-0359 PRPC

Separate Order.

**CR-14-0025-PR**  
(7)

**STATE OF ARIZONA v AARON BRICE ARNOLDI**  
*Court of Appeals, Division Two*                      2 CA-CR 12-0495

***Consolidated with:***

CR-13-0427-PR                      STATE OF ARIZONA v AARON BRICE ARNOLDI

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

**CV-13-0327-PR**  
(8)

**HANSCOME v EVERGREEN AT FOOTHILLS et al**  
*Court of Appeals, Division One*                      1 CA-CV 12-0575

ORDERED: Defendants'/Appellants' Petition for Review = DENIED.

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**CV-13-0351-PR**  
(9)

**ORCA COMM v ANN NODER et vir/PITCH PUBLIC**  
*Court of Appeals, Division One*                      *1 CA-CV 12-0183*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 30 days from the date of this Court's Minute Letter.

**CV-13-0355-PR**  
(10)

**WELLS FARGO BANK v CASBY/DON CARLOS**  
*Court of Appeals, Division One*                      *1 CA-CV 12-0644*

ORDERED: Petition for Review Petitioners-Appellants Alfred Casby and Debralee Don Carlos = DENIED.

**CV-13-0360-PR**  
(11)

**ELDRIDGE GITTENS et al v HON. KREAMER/MONTGOMERY**  
*Court of Appeals, Division One*                      *1 CA-SA 13-0254*

ORDERED: Amended Petition for Review = DENIED.

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**CV-13-0373-PR**  
(12)

**SANTOS NIETO v JUAN NIETO/DANIEL NIETO et al**  
*Court of Appeals, Division One*                      *1 CA-CV 12-0806*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants J. Nieto et al) = DENIED.

**CV-14-0002-PR**  
(13)

**BANNER HEALTH/GOOD SAMARITAN v HON. ACETO/TAYLOR**  
*Court of Appeals, Division One*                      *1 CA-SA 13-0324*

ORDERED: Petition for Review = DENIED.

**CV-14-0013-PR**  
(14)

**VOLNEY FIKE v DBSI INC et al**  
*Court of Appeals, Division One*                      *1 CA-CV 13-0045*

ORDERED: Plaintiff/Appellant's Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Fike) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees DBSI Inc et al) = GRANTED.

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**CV-14-0018-PR**  
(15)

**NEXT GEN CAPITAL v CONSUMER LENDING ASSOCIATES**  
*Court of Appeals, Division One*                      *1 CA-CV 12-0624*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Consumer Lending Associates) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Next Gen Capital) = GRANTED.

**CV-14-0039-PR**  
(16)

**MARK WYNN v ADES/HENSLEY AND CO**  
*Court of Appeals, Division One*                      *1 CA-UB 12-0372*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 30 days from the date of this Court's Minute Letter.

**CR-13-0429-PR**  
(17)

**STATE OF ARIZONA v PETER NORMANN**  
*Court of Appeals, Division One*                      *1 CA-CR 11-0696*

ORDERED: The State of Arizona's Petition for Review = DENIED.

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**CR-13-0436-PR**  
(18)

**STATE OF ARIZONA v CHRISTIAN BETZA VASQUEZ**  
*Court of Appeals, Division Two*                      2 CA-CR 12-0305

ORDERED: The State of Arizona's Petition for Review = DENIED.

**CV-13-0352-PR**  
(19)

**VAZIRANI & ASSOC FINANCIAL v ADVISORS EXCEL et al**  
*Court of Appeals, Division One*                      1 CA-CV 12-0449

ORDERED: Petition for Review = DENIED.

**CV-13-0359-PR**  
(20)

**ICA/AZ STATE COMP FUND et al v BREWER et al**  
*Court of Appeals, Division One*                      1 CA-CV 11-0119

ORDERED: Appellee's Petition for Review = DENIED.

FURTHER ORDERED: Appellees/Employees' Petition for Review = DENIED.

Justice Timmer did not participate in the determination of this matter.

**CV-14-0008-PR**  
(21)

**RAYMOND CRUM v ICA/BJ CECIL TRUCKING/WAUSAU INS**  
*Court of Appeals, Division Two*                      2 CA-IC 13-0007

ORDERED: Petition for Review = DENIED.

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**CV-14-0012-PR**  
(22)

**SAMUEL RASH v TOWN OF MAMMOTH et al**  
*Court of Appeals, Division Two*                      2 CA-CV 13-0062

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Rash) = DENIED

**CV-14-0020-PR**  
(23)

**SAKS v SANTA CRUZ VALLEY UNION HIGH SCHOOL DIST**  
*Court of Appeals, Division Two*                      2 CA-CV 13-0091

ORDERED: Petition for Review = DENIED.

**CV-14-0036-PR**  
(24)

**RONALD SIMMS et al v HON. RAYES/TP RACING et al**  
*Court of Appeals, Division One*                      1 CA-SA 13-0123

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Real Parties TP Racing et al) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Petitioners Ronald Simms et al) = DENIED.

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**CV-14-0050-PR**  
(25)

**JENNIFER MONROE v BASIS SCHOOL INC**

*Court of Appeals, Division Two*

*2 CA-CV 13-0047*

ORDERED: Appellant's Petition for Review = DENIED.

**CV-14-0054-PR**  
(26)

**JANET HARVEY v PHOENIX AIRPORT MARRIOTT**

*Court of Appeals, Division One*

*1 CA-CV 12-0778*

ORDERED: Petition for Review = DENIED.

**CR-13-0448-PR**  
(27)

**STATE OF ARIZONA v KENNETH MANYGOATS**

*Court of Appeals, Division One*

*1 CA-CR 13-0070*

ORDERED: Petition for Review = DENIED.

**CR-14-0040-PR**  
(28)

**STATE OF ARIZONA v ROBERT MICHAEL PIOTROWSKI**

*Court of Appeals, Division One*

*1 CA-CR 12-0255*

*1 CA-CR 12-0790*

ORDERED: Petition for Review = DENIED.



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**CR-14-0042-PR**  
(29)

**STATE OF ARIZONA v STANSON KEE JOE**

*Court of Appeals, Division One*

*1 CA-CR 12-0730*

ORDERED: Petition for Review by the Supreme Court of Arizona = DENIED.

**CR-14-0071-PR**  
(30)

**STATE OF ARIZONA v LOUIS JOHN FELIX**

*Court of Appeals, Division Two*

*2 CA-CR 12-0214*

ORDERED: Petition for Review = DENIED.

**CV-13-0377-PR**  
(31)

**HOME DEPOT v AZ DEPT OF REVENUE**

*Court of Appeals, Division One*

*1 CA-TX 12-0005*

ORDERED: Appellants' Petition For Review = DENIED.

Justice Brutinel did not participate in the determination of this matter.

**CV-13-0386-PR**  
(32)

**STATE OF ARIZONA v LIBERTY BAIL BONDS et al**

*Court of Appeals, Division One*

*1 CA-CV 12-0213*

ORDERED: Appellants' Petition for Review = DENIED.

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**CV-14-0011-PR**  
(33)

**RICHARD DOUGALL v MYRNA DOUGALL**  
*Court of Appeals, Division Two*                      2 CA-CV 13-0056

ORDERED: Appellant's Petition for Review = DENIED.

**CV-14-0019-PR**  
(34)

**In re the Estate of SANFORD M BOLTON**  
*Court of Appeals, Division Two*                      2 CA-CV 13-0038

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Goldman) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellants Mutual Pharmaceutical/United Research) = DENIED.

**CV-14-0043-PR**  
(35)

**MM&A PRODUCTIONS v YAVAPAI-APACHE NATION et al**  
*Court of Appeals, Division Two*                      2 CA-CV 13-0051

ORDERED: Plaintiff-Appellant's Petition for Review = DENIED.

**CR-13-0456-PR**  
(36)

**STATE OF ARIZONA v JOSHUA MICHAEL LEON**  
*Court of Appeals, Division Two*                      2 CA-CR 11-0395

ORDERED: Petition for Review = DENIED.

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**CR-14-0017-PR**  
(37)

**STATE OF ARIZONA v ANTONIO GANDARVILLA ANGULO**  
*Court of Appeals, Division Two*                      2 CA-CR 13-0420 PRPC

ORDERED: Petition for Review = DENIED.

**CR-14-0020-PR**  
(38)

**STATE OF ARIZONA v ZANE SCOTT DICKINSON**  
*Court of Appeals, Division One*                      1 CA-CR 12-0479

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: The State of Arizona's Cross-Petition for Review = DENIED.

**CR-14-0120-PR**  
(39)

**STATE OF ARIZONA v MARK ANTHONY LUCAS**  
*Court of Appeals, Division One*                      1 CA-CR 13-0215

ORDERED: Petition for Review by the Arizona Supreme Court = CONTINUED.

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**CV-14-0009-PR**  
(40)

**GERALD FREEMAN et ux v DONALD SORCHYCH et ux**  
*Court of Appeals, Division One*                      *1 CA-CV 12-0872*

ORDERED: Appellants Gerald C and Janice C Freemans' Petition for Review by Supreme Court = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellees Sorchych) = GRANTED.

**CV-14-0059-PR**  
(41)

**SONNY ADAMS et ux v DANIEL ESTRADA**  
*Court of Appeals, Division Two*                      *2 CA-CV 13-0074*

ORDERED: Appellees Adams' Petition for Review = DENIED.

**CV-14-0073-PR**  
(42)

**MUNOZ v ICA/SONIC/HARTFORD/GALLAGHER BASSETT**  
*Court of Appeals, Division Two*                      *2 CA-IC 13-0001*

ORDERED: Petition for Review = DENIED.

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**CV-14-0085-PR**  
(43)

**J.D./M.M. v HON. HEGYI/T.D./STATE OF ARIZONA**  
*Court of Appeals, Division One*                      *1 CA-SA 13-0296*

ORDERED: Motion to Accept Cross-Petition for Review of a Special Action Opinion by T.D. = DENIED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Real Party State) = GRANTED.

FURTHER ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Petitioners J.D./M.M.) = GRANTED.

The issues the parties should address are:

1. May a parent or legal guardian of a minor victim continue to refuse a defense interview under A.R.S. § 13-4433(G) once the victim turns 18 years old?
2. If the parent or legal guardian cannot refuse a defense interview once the victim turns 18, may the parent or legal guardian refuse to reveal information received while the victim was still a minor?

FURTHER ORDERED: Cross Petition for Review of a Special Action Opinion by T.D. = DENIED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than 30 days from the date of this Court's Minute Letter.

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**CV-14-0088-PR**  
(44)

**STANT v CITY OF MAR EMPLOYEE MERIT BOARD et al**  
*Court of Appeals, Division Two*                      2 CA-CV 13-0089

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Stant) = DENIED

**CR-13-0339-PR**  
(45)

**STATE OF ARIZONA v ANTHONY MERRICK**  
*Court of Appeals, Division One*                      1 CA-CR 11-0549

ORDERED: Petition for Review = CONTINUED.

**CR-13-0361-PC**  
(46)

**STATE OF ARIZONA v RUBEN GARZA**  
*Maricopa County Superior Court*                      CR1999-017624

ORDERED: Motion to Vacate Death Sentence in Light of Hall v. Florida (Capital Case) (Defendant Garza) = CONTINUED.

FURTHER ORDERED: Second Request to Continue Case Conference (Defendant Garza) = GRANTED. The State shall file a response to the Motion to Vacate Death Sentence within 30 days.

FURTHER ORDERED: Petition for Review of Denial of PCR (Capital Case) = CONTINUED.

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**CR-13-0452-PR**  
(47)

**STATE OF ARIZONA v JAMES RAYMOND GONZALEZ**  
*Court of Appeals, Division One*                      *1 CA-CR 12-0773*

ORDERED: Request for Oral Argument (Appellant Gonzalez) = CONTINUED.

FURTHER ORDERED: The State of Arizona's Petition for Review =  
CONTINUED.

FURTHER ORDERED: Appellant's Cross-Petition for Review = CONTINUED.

**CV-13-0167-PR**  
(48)

**JACOBY A./JAMISON A. v HON. WOODS/ADES et al**  
*Court of Appeals, Division Two*                      *2 CA-SA 13-0030*

ORDERED: Minors' Petition for Review of a Special Action Decision of the  
Court of Appeals = CONTINUED.



The foregoing action was taken by the Arizona Supreme Court on  
Wednesday, May 28, 2014.

\_\_\_\_\_  
Rebecca White Berch, Chief Justice                      Date: \_\_\_\_\_